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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,662	04/15/2004	Dirk Bartels	41963-8003.US01	9573
22918	7590	05/30/2007		
PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			EXAMINER LEWIS, DAVID LEE	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,662	<b>Applicant(s)</b> BARTELS ET AL.	
	<b>Examiner</b> David L. Lewis	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. **Claims 1-32 are rejected under 35 U.S.C. 102(a) as being anticipated by Gold (2003/0089832).**

**As in claim 1, Gold teaches of a housing for a portable interactive device, figure 6a items 70 and 10 (20, 30, 40, 50),**

said housing comprising: a fixed-arm clip formed coupled to a back of said housing, **figure 6a item 10 (20, 30, 40, 50),**

wherein said fixed-arm clip acts as a stand for said portable interactive device, **figure 16, paragraph 12**

allows said portable interactive device to be held in one hand by a user, **figure 13, paragraph 11,**

and allows said portable interface device to be attached to another article, **figure 10, paragraph 13;**

and a user interface formed into said housing, said user interface providing controls for said portable interactive device, said user interface arranged such that said user may operate said controls with said one hand while holding said portable interactive device with said one hand, **figure 6a item 70, paragraphs 2, figure 7c item 70.**

Wherein said user interface formed into said housing is inherent to the provided PDA device having a power and touch screen buttons operable with a thumb as shown in figure 7c item 70.

**A in claim 2, Gold teaches of** wherein said fixed-arm clip includes a rubber cover providing a secure grip, **figure 9 item 44.** wherein the foam pad assisting with the users grip can alternatively be made of a rubber pad as an obviousness type design choice known in the art.

**As in claim 3, Gold teaches of** wherein said fixed-arm clip is arranged such that said portable interactive device is suitable for hanging from said one hand, figure 13.

**As in claim 4, Gold teaches of** wherein said one hand fits between said fixed-arm clip and said back of said housing, figure 13.

**As in claim 5, Gold teaches of** wherein said fixed-arm clip may strap onto a belt of said user, paragraph 13.

**As in claim 6, Gold teaches of** wherein said housing is operable to mount into a docking station, figures 17, 23, 28. wherein the device docks with other devices.

**As in claim 7, Gold teaches of** wherein said user interface includes a plurality of buttons, figure 7c item 70

**As in claim 8, Gold teaches of** wherein at least one of said plurality of buttons has a profile substantially flush with a surface of said housing, figure 7c item 70.

**As in claim 9, Gold teaches of** wherein at least one of said plurality of buttons is a toggle switch extending out from a surface of said housing, figure 7c item 70.

**As in claim 10, Gold teaches of** a portable interactive device enabling a user to perform a mobile activity, **figure 6a items 70 and 10 (20, 30, 40, 50),**

said device comprising: a housing configured to be transported by said user, **figure 6a item 10 (20, 30, 40, 50),**

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said housing including: a fixed-arm clip formed on a back of said housing, **figure 6a item 10 (20, 30, 40, 50),**

wherein said fixed-arm clip acts as a stand for said portable interactive device, **figure 16, paragraph 12**

allows said portable interactive device to be held in one hand by a user, **figure 13, paragraph 11**

and allows said portable interface device to be attached to another article, **figure 6a item 70, paragraphs 2, figure 7c item 70;**

and a user interface formed into said housing, said user interface providing controls for said portable interactive device, said user interface arranged such that said user may operate said controls with said one hand while holding said portable interactive device with said one hand, **figure 6a item 70, paragraphs 2, figure 7c item 70;**

a display for displaying information to said user, **figure 6a item 70, paragraphs 2, figure 7c item 70;**

a memory for storing data relating to said mobile activity, **figure 6a item 70, paragraphs 2, figure 7c item 70, said feature inherent to the PDA 70;**

and a processor in communication with said display, said user interface, and said memory, said processor operable to control said display and to control said storage and retrieval of data from said memory, **figure 6a item 70, paragraphs 2 & 6, figure 7c item 70, said feature inherent to the PDA 70.**

**As in claim 11, Gold teaches of** wherein said one hand fits between said clip and said back of said housing, figure 13.

**As in claim 12, Gold teaches of** wherein said fixed-arm clip may strap on to a belt of said user, paragraph 13.

**As in claim 13, Gold teaches of** wherein said housing is operable to mount into a docking station, figures 17, 23, 28. wherein the device docks with other devices.

**As in claim 14, Gold teaches of** wherein said user may access an external computer while said device is in said docking station, figures 17, 23, 28. wherein the device docks with other devices.

**As in claim 15, Gold teaches of** wherein said user may access the Internet while said device is in said docking station, figures 17, 23, 28. wherein the device docks with other devices.

**As in claim 16, Gold teaches of** wherein said mobile activity is a physical fitness activity, figure 10 and 13.

**As in claim 17, Gold teaches of** wherein a heart rate monitor is connected to said device, paragraph 23.

**As in claim 18, Gold teaches of** a portable interactive device for selecting and monitoring activity data for a user, **figure 6A items 10 and 70,**

said device comprising: a housing configured to be carried by said user, **figure 6A items 10 and 70;**

a display for displaying information to said user, **figure 6A item 70;**

an interface operable by said user to control said device, **figure 7c items 70 (buttons)**

and an adjustable clip mounted on said housing of said device, **figure 6A item 10;**

wherein said adjustable clip has at least four positions relative to said device, **figures 10, 11, 12, 13.**



**As in claim 19, Gold teaches of** wherein each of said four positions of said adjustable clip aid said user in interacting with said device., figures 10, 11, 12, 13

**As in claim 20, Gold teaches of** wherein said first position of said adjustable clip is used to strap said device on to a belt of said user, paragraph 13.

**As in claim 21, Gold teaches of** wherein said second position of said adjustable clip is used to secure a user's hand between said adjustable clip and said housing of said device, figure 13.

**As in claim 22, Gold teaches of** wherein said third position of said adjustable clip is used to fit said device into a docking station, figures 17, 23, 28. wherein the device docks with other devices.

**As in claim 23, Gold teaches of** wherein said fourth position of said adjustable clip is used as a stand for said device, figure 12 & 16.

**As in claim 24, Gold teaches of** a portable interactive device, **figure 6A items 10 and 70,**

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said device comprising: a housing configured to be transported by a user, **figure 6A items 10 and 70;**

a display for displaying information to said user, **figure 6A item 70;**

an interface operable by said user to select and input data, **figure 7c item 70 (buttons)**

and a clip mounted on said housing, **figure 6A item 10**

wherein said clip acts as a stand for said device, **figure 12 & 16**

and wherein said clip acts to aid said user in holding said device, **figure 13.**

**As in claim 25, Gold teaches of** wherein said user's hand fits between said clip and said housing, figure 13.

**As in claim 26, Gold teaches of** wherein said user may view said information on said display of said device when said clip acts as a stand for said device, figure 12 & 16.

**As in claim 27, Gold teaches of** wherein said clip may attach to an article on said user in order to be carried by said user, figure 10 & 15.

**As in claim 28, Gold teaches of** wherein said clip is in a fixed position, figure 11 or 23.

**As in claim 29, Gold teaches of** further comprising a memory for storing data relating to programs, workouts, exercises and user inputted data, figure 6A item 70, paragraph 2 and 6.

**As in claim 30, Gold teaches of** further comprising a processor in communication with said display, said interface, and said memory operable to control said display and to control said storage and retrieval of data from said memory, figure 6A item 70, paragraph 2 & 6.

**As in claim 31, Gold teaches of** wherein said device interface includes an enter button, an up/down button, a menu button and a back button, figure 7c items 70 (buttons), paragraph 2 and 6.

**As in claim 32, Gold teaches of** wherein said device displays physical fitness information, paragraph 6.

### ***Conclusion***

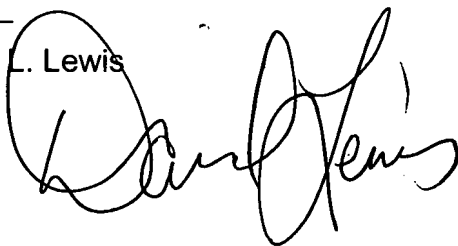
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2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6278779, 5475752, 6125513, 2003/0064751, 5661798, 6205222, 6219533.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(571) 272-7673**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on **(571) 272-7681**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571)-273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner: David L. Lewis

May 25, 2007

A handwritten signature in black ink, appearing to read 'David Lewis', is written over a horizontal line.